

HOUSE BILL 4036

By Buck

AN ACT to amend Tennessee Code Annotated, Title 4,
Chapter 51 and Title 49, relative to pre-
kindergarten education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-6-102, is amended by deleting the word "Voluntary" and substituting instead the word "Mandatory" and by deleting the language "of 2005".

SECTION 2. Tennessee Code Annotated, Section 49-6-103, is amended by deleting the section in its entirety and substituting instead the following:

§ 49-6-103. It is the legislative intent that, based on the success of Tennessee's existing pilot pre-kindergarten program and the former voluntary pre-kindergarten program, pre-kindergarten programs be expanded by LEAs and the communities they serve to provide every child residing in the LEA who is four (4) years of age by September 30 of a school year the opportunity for quality early childhood education and pre-kindergarten experiences during such school year through either a pilot pre-kindergarten program pursuant to § 49-6-101 or a program under §§ 49-6-103—49-6-110.

SECTION 3. Tennessee Code Annotated, Section 49-6-104, is amended by deleting subsection (a) in its entirety and substituting instead the following:

(a) Except for children enrolled in a private pre-kindergarten program or a home school pre-kindergarten program for which the home school meets the requirements of § 49-6-3050, each LEA shall provide for enrollment in a pre-kindergarten program, either a pilot pre-kindergarten program or a program under §§ 49-6-103—49-6-110, of all

children residing in the geographic area served by the LEA who are four (4) years of age by September 30 and who are not enrolled in or have not attended kindergarten.

SECTION 4. Tennessee Code Annotated, Section 49-6-105, is amended by deleting the section in its entirety and substituting instead the following:

(a) LEAs may apply to the department of education for funding of pre-kindergarten programs. LEAs may contract and enter into collaborative agreements for operation of these programs with non-school system entities in the geographical area served by the LEA, including, but not limited to, nonprofit and for-profit child care providers and Head Start programs. LEAs shall not contract or collaborate with any child care provider licensed by the department of human services, unless that provider has attained the highest designation under the rated licensing system administered by the department of human services, pursuant to title 71, chapter, 3, part 5.

(b) As part of the application process, the LEA shall include a statement that it shall serve all children four (4) years of age within the geographical area served by the LEA, except those enrolled in private or home school pre-kindergarten programs. The application shall include the proposed sources of local matching funds required under §§ 49-6-103 — 49-6-110. Where applicable, the LEA is encouraged to include a resolution of support from the local governing body indicating intent to appropriate the required local matching funds. LEAs are encouraged to collaborate with non-school system entities where such collaboration provides an efficient means for expansion of pre-kindergarten classrooms authorized under §§ 49-6-103 — 49-6-110.

SECTION 5. Tennessee Code Annotated, Section 49-6-106(a), is amended by deleting the first sentence of the subsection in its entirety and substituting instead the following sentence:

Each LEA shall create and appoint a community pre-k advisory council.

SECTION 5. Tennessee Code Annotated, Section 49-6-110, is amended by deleting the section in its entirety and substituting instead the following;

For the programs authorized by §§ 49-6-103 — 49-6-110, an appropriation from excess net education lottery proceeds available under the provisions of title 4, chapter 51 and title 49, chapter 4, part 9 shall be made annually in the general appropriations act.

SECTION 6. Tennessee Code Annotated, Title 49, Chapter 6, Part 1, is amended by adding the following language as a new, appropriately designated section:

§ 49-6-1___. No child shall be eligible to enter kindergarten after July 1, 2009, without having attended an approved kindergarten program; provided, that a child meeting the requirements of the state board of education for transfer or admission, as determined by the commissioner, may be admitted by an LEA, notwithstanding any other provision of law or this act to the contrary.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.